

SUPERIOR COURT OF RIVERSIDE COUNTY

☐ **BANNING** 155 E. Hays, Banning, CA 92220
☐ **BLYTHE** 265 North Broadway, Blythe, CA 92225
☐ **HEMET** 880 N. State St., Hemet, CA 92543
☐ **INDIO** 46-200 Oasis St., Indio, CA 92201

☐ **MURRIETA** 30755-D Auld Road, Murrieta, CA 92563
☐ **RIVERSIDE** 4050 Main St., Riverside, CA 92501
☐ **RIVERSIDE** 4175 Main St., Riverside, CA 92501
☐ **TEMECULA** 41002 County Center Dr., #100, Temecula, CA 92591

DEFENDANT:

CASE NO.

**PROSECUTOR'S STATEMENT OF REASONS FOR MOTION TO DISMISS OR
SUBSTITUTE CHARGES FOR 23152 V.C. (PER 23212 V.C.)**

Pursuant to Vehicle Code Section 23212, the District Attorney states that:

- ☐ Charge of 23152 V.C. should be dismissed/amended;
- ☐ A plea of (guilty/nolo contendere) to _____ should be accepted as factually related to 23152 V.C. as charged in count(s) _____ ;

For the reason stated below:

- ☐ PROBLEMS OF PROOF - The blood alcohol reading of _____ % coupled with the objective symptoms raise an improbability of obtaining a conviction beyond a reasonable doubt.
- ☐ INTERESTS OF JUSTICE:
- ☐ Defendant's plea of guilty/nolo contendere in Case No. _____
- ☐ The nonjudicial consequences of a conviction of 23152 V.C. are extremely more severe than those suffered by most defendants, in that: _____
- ☐ The difference between the defendant's blood alcohol reading of _____ % and 0.08% is sufficiently close to the allowable margin of error that the proposed disposition is a fair and just compromise.
- ☐ Amendment to _____ yields a more proper charge because: _____
- ☐ The original charge(s) were filed without the approval of the District Attorney and are contrary to the established filing guidelines established pursuant to Penal Code Sections 853.6(e)(2)(People v. Municipal Court, 27 Cal.App.3d 193)
- ☐ District Attorney states for the record that this count is alcohol/drug related on the basis of _____ % of alcohol level/ _____ amount of drugs in defendant's blood or refusal of defendant to submit to chemical tests (officer smelled alcohol, defendant failed field sobriety tests).
- ☐ Court finds that there is a factual basis to indicate that this offense is alcohol/drug related.
- ☐ Court advised defendant that conviction of this offense will result in the use of this offense as a prior conviction for driving under the influence in any subsequent new conviction of driving under the influence, which will result in the consequences faced by persons who are convicted of two driving under the influence charges within seven (7) years.